

REMARKS UNDER 37 CFR §1.111

Formal Matters

Claims 104, 105 and 107-115 were examined and rejected.

By the Amendment herein, claims 1-27, 42, 43, 48-66, 68-103 and 108 have been cancelled without prejudice to renewal, and claims 104, 105, 107 and 109-115 have been amended. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications. Support for the amendments is found throughout the specification and the Figures (in particular Figs. 6 and 7). Accordingly, no new matter has been added.

Claims 104, 105, 107 and 109-115 are pending after entry of the amendments set forth herein.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Rejections Under 35 U.S.C. §102

Claims 104, 107, 109-112 and 115 were rejected under 35 U.S.C. §102(b) as being anticipated by Giannuzzi (U.S. Patent No. 4,197,781).

As amended, the claims provides for an anastomosis system for connecting a tubular graft to a blood vessel comprising a catheter and a connector sized for delivery through the catheter.

Giannuzzi discloses a screw anchor for fastening objects to a hollow wall. Giannuzzi does not disclose a catheter nor would Giannuzzi's screw anchor be usable with or sized for delivery through a catheter. Accordingly, Giannuzzi does not anticipate nor make obvious the claimed anastomotic system.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claims 104, 105, 107, 108 and 110-114 were rejected under 35 U.S.C. §102(b) as being anticipated by Huebsch et al. (U.S. Patent No. 5,853,422).

As claim 108 has been cancelled, this rejection has been made mute with respect to that claim.

The claimed connector has an annular structure configured for positioning within the tubular graft and for providing fluid communication between the tubular graft and the blood

vessel, and at least one compressible member extending from a distal end of the annular structure, where the compressible member is radially deformable between a reduced profile and an expanded profile, wherein the compressible member is configured to provide fluid communication between the graft and the vessel when the compressible member is in the expanded profile.

The function of the claimed connector is to establish fluid communication between two vessels. The Huebsch et al. septal defect closure device is distinguishable from the claimed connector in that it does not provide fluid communication between the two chambers of the heart into which it is placed when the closure device is in an expanded profile. In fact, the device is structured to accomplish just the opposite when in an expanded configuration – to plug an opening in the septum between the two chambers and prevent blood flow there through. The Huebsch device accomplishes this in that the proximal and distal ends and the central portion of the device (14, 16 and 18 in Figs. 2-5 for example) work cooperatively to plug the opening when the device is in an expanded configuration. To configure the Huebsch device otherwise would defeat its intended purpose. Accordingly, the claimed invention is patentable in view of Heubesch et al.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.


Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CNVG-010CON.

Respectfully submitted,
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Date: 3/5/04

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